REMARKS

The foregoing amendments and these remarks are submitted in response to the Advisory Action mailed August 6, 2008, and are concurrently filed with a Request for Continued Examination (RCE) and a Petition for Two-Month Extension of Time. The Commissioner is hereby authorized to charge the fees of $810 for the RCE and $460 for a retroactive two-month extension of time to Deposit Account No. 50-0951.

At the time of the Final Office Action, claims 1-11 were pending in the application. In the Office Action, claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,345,167 to Calvin (hereafter "*Calvin*"). Claims 2-4 and 7-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Calvin* as applied to claim 1, and further in view of U.S. Patent No. 6,466,036 to Philipp. Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Calvin* as applied to claim 1, and further in view of U.S. Patent No. 6,518,820 to Gremm. A response to the Final Office Action was filed on July 10, 2008.

The Advisory Action indicates that the response does not place the application in condition for allowance because "the claim language does not describe an AC source". Claim 1 is further amended herein and now states that the "charging voltage is an AC voltage supplied from an AC voltage source". This is originally disclosed e.g. in Fig. 1 (see U2 and remaining circuit components) and the corresponding description of the present application.

I. The charging voltage in Calvin is not an AC voltage.

The examiner states that in Calvin with the first connecting means and the AC triggering signal the charging voltage supplied to the capacitive element would be an AC voltage. This is not correct. If the transistor 9 is in an off state (not conducting) Point A in Fig. 2 of Calvin is decoupled from the reference voltage source 17, i.e. in this state no charging voltage at all is supplied to the capacitive sensor element.

In other words, there are 2 states:

- transistor 9 is in an on state: reference voltage is supplied to the capacitive sensor element
- transistor 9 is in an off state: no voltage is supplied to the capacitive sensor element (high impedance state)

Considering these two states, the charging voltage supplied to the capacitive element at Point A is **not** an AC voltage in its conventional sense, i.e. a voltage having changing voltage levels.

Furthermore, considering the claim amendment now made, Calvin does not disclose an AC voltage source supplying an AC charging voltage.

II. The charging voltage in Calvin is not used as the triggering signal used for controlling the connecting means.

Even if applicant could agree with the examiner that in Calvin with the first connecting means and the AC triggering signal, the charging voltage supplied to the capacitive element (voltage at Point A, see Fig. 2) would be an AC voltage, this AC charging voltage is not *"supplied to said connecting means as the triggering signal in such a way that, in alternating manner, said first connecting means or said second connecting means is conductive"*, as this is denoted in claim 1. To the contrary, according to claim 1, the charging voltage is an AC voltage, and the AC voltage (= the charging voltage) is the triggering signal used to control the connecting means.

Thus, in claim 1: charging voltage = triggering signal = AC voltage

This arrangement makes it possible that the switching between a charging phase of the sensor element and the charge transfer phase takes place in the cycle of the AC voltage, so there is no need for additional switching logic, see description, page 2, third paragraph.

According to Calvin there is a separate triggering signal generated by oscillator 11 used to control the connecting means 9 and 10. The voltage at Point A, i.e. the charging voltage, differs completely from the signal generated by oscillator 11 and is therefore not used as the triggering signal.

Thus, in Calvin: charging voltage $\neq$ triggering signal

The subject matter of amended claim 1 and the subject matter disclosed in Calvin differ completely, for at least the foregoing reasons. Further remarks/arguments are also included in the response filed July 10, 2008, to which the examiner is referred. Therefore the subject matter of amended claim 1 is new and nonobvious with respect to the prior art, and is claim 1 is thus believed allowable. The dependent claims are also believed allowable because of their dependence upon an allowable base claim, and because of the further features recited therein. Prompt issuance of a Notice of Allowance is thus respectfully requested.

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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